

Partner

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Practice Areas

Business & Commercial
Litigation

Class Action Defense &
Multi-District Litigation

Construction

Energy, Environment &
Natural Resources

Environmental & Toxic Torts

Environmental: Litigation

Insurance Coverage and
Litigation Practice

Products Liability

Bar Admissions

Louisiana, 1991

Texas, 2006

Education

Tulane University Law
School, J.D., 1991, *cum
laude*

Louisiana State University,
B.S. in Criminal Justice,
1987, Dean's List



Luis Leitzelar has represented plaintiffs and defendants in complex commercial litigation for 20 years. He has litigated cases to judgment on behalf of individual and corporate clients, particularly in the petrochemical and insurance industries. Mr. Leitzelar has also argued before numerous appellate courts, including the Louisiana courts of appeal and the U.S. Fifth Circuit Court of Appeals.

As trial and appeal counsel, Mr. Leitzelar has successfully defended many cases involving allegations of personal injury, property damage, and economic loss resulting from alleged exposure to toxic substances, and has tackled all phases of complex mass tort litigation, including attempts to certify class actions under state and federal law. In addition, he has advised clients on the effects of federal and state regulations, and has assisted them in permitting, compliance, and other activities required for their operations.

Mr. Leitzelar has served as coverage and defense counsel for a number of insurance company clients and their policyholders. He was appointed and served as liaison counsel in the Superfund and class action proceedings captioned *In re: Combustion, Inc.*, by the Chief Judge in the United States District Court for the Western District of Louisiana, with respect to insurance issues arising from a long-tail chemical exposure due to operation of a waste oil reclamation and disposal facility.

Noteworthy

- AV® Peer Review Rating in Martindale-Hubbell

Representative Matters

- *Guidry, et al. v. Georgia Gulf Lake Charles, LLC, et al.*, No. 08-cv-3000, United States District Court, Western District of Louisiana. (Summary judgment entered in April 2011 dismissing property damage and personal injury claims of multiple plaintiffs arising from a November 10, 2007, fire and chemical release at client's facility in Calcasieu Parish, Louisiana)
- *Crowe, et al. v. Pearl River Polymers, Inc. et al.*, No. 99-14413, Twenty-Second Judicial District Court, Parish of St. Tammany. (After defeating plaintiffs' motion to certify a class action under Louisiana law, defended a two-week bench trial of 20 "bellwether" plaintiffs in August 2010. Pending ruling following submission of Post-Trial Briefs)
- *Bushnell, et al. v. Georgia Gulf Lake Charles, LLC, et al.*, No. 07-cv-3000, United States District Court, Western District of Louisiana. (Defense judgment in March 2011, following a jury trial involving multiple plaintiffs' chemical exposure claims arising from September 17, 2006, fire and chemical release at client's facility in Calcasieu Parish, Louisiana)
- *Bishop v. May and Young Hotel, L.L.C.*, 2010 WL 4901814 (M.D. La. 11/24/2010) and 2010 WL 4906117 (M.D. La. 11/5/2010) (a mold/fungus exposure class action successfully removed to federal court on basis of the Class Action Fairness (CAFA) Act, defeating plaintiffs' motions to remand seeking to avoid federal jurisdiction on basis of CAFA exceptions)
- *Cavalier v. Ferro Corp.*, 2009-1812 (La. App. 1st Cir. 3/26/2010), 2010 WL 1170259 (Louisiana First Circuit affirming district court dismissal of mass toxic tort action on basis of prescription)
- *Atkins v. Ferro Corp.*, 314 Fed. Appx. 662, 2009 WL 605743 (5th Cir. 2009), affirming, 534 F.Supp.2d 662 (M.D. La. 2008) (U.S. Fifth Circuit affirming removal jurisdiction on basis of diversity of citizenship and district court dismissal of consolidated mass toxic tort actions due to plaintiffs' failure to provide competent scientific expert testimony to support claims)
- *Anderson v. Georgia Gulf Lake Charles, LLC*, 342 Fed. Appx. 911, 2009 WL 2029892 (5th Cir. 2009), aff'g, 2008 WL 919716 (W.D. La. 2008) (U.S. Fifth Circuit affirming district court summary judgment in favor of chemical plant employees and removal jurisdiction on basis of diversity of citizenship and Class Action Fairness Act)

- *Griffin v. Georgia Gulf Lake Charles, LLC*, 562 F.Supp.2d 775 (W.D. La. 2008) (District Court denial of plaintiffs' Motion to Remand challenging diversity of jurisdiction removal of toxic tort action)
- *Hendrick v. Georgia Gulf Lake Charles, LLC*, 2008 WL 65264 (W.D. La. 2008) (District Court denial of plaintiffs' Motion to Remand challenging diversity of jurisdiction removal of toxic tort action)
- *Francois v. Georgia Gulf Lake Charles*, 2007 WL 5208856 (W.D. La. 2007) (District Court denial of plaintiffs' Motion to Remand challenging principal place of business of limited liability company sued in class action removed on basis of traditional diversity of citizenship jurisdiction)
- *Richard v. Georgia Gulf Lake Charles, LLC*, 2007 WL 2319804 (W.D. La. 2007) (District Court denial of plaintiffs' Motions to Remand challenging diversity of jurisdiction removal of mass toxic tort action)
- *Molden v. Georgia Gulf Corp.*, 465 F.Supp.2d 606 (M.D. La. 2006) (District Court granting summary judgment and dismissing consolidated class actions on grounds that plaintiffs could not provide competent scientific expert evidence to support toxic tort action)
- *Acosta v. Master Maintenance & Const., Inc.*, 452 F.3d 373 (5th Cir. 2006), affirming, 52 F.Supp. 2d 699 (M.D. La. 1999) (U.S. Fifth Circuit affirming removal jurisdiction on basis of Convention Act, 9 U.S.C. § 205, and summary judgment dismissing plaintiffs' "Mustard Gas" exposure claims for failure to sustain burden of proof)
- *United States ex rel. Bain v. Georgia Gulf Corp.*, 208 Fed. Appx. 280, 2006 U.S. App. LEXIS 26937 (5th Cir. 10/26/2006) (U.S. Fifth Circuit affirming District Court's award of \$65,000 in attorney's fees in favor of chemical company client as prevailing party against *Qui Tam Relator* for improvident filing of False Claims Act suit alleging misreporting of environmental emissions)
- *Jackson v. Home Depot, Inc.*, 2004-1653 (La. App. 1st Cir. 6/10/2005), 906 So.2d 721 (Louisiana First Circuit affirming district court dismissal of plaintiffs' premises liability and spoliation of evidence claims)
- *United States ex rel. Bain v. Georgia Gulf Corp.*, 386 F.3d 648, 59 Fed. R. Serv. 3d 873, 21 IER Cases 1441, 34 Env'tl. L. Rep. 20,103 (5th Cir. 2004) (U.S. Fifth Circuit affirming District Court dismissal of *Qui Tam Relator's* reverse False Claims Act suit against chemical company for alleged misreporting of environmental emissions)

- *Templet v. HydroChem Inc.*, 367 F.3d 473 (5th Cir. 2004), cert. denied, 543 U.S. 976, 125 S. Ct. 411, 160 L. Ed. 2d 352 (2005), reh'g denied, 543 U.S. 1085, 125 S. Ct. 958, 160 L. Ed. 2d 840 (2005) (U.S. Fifth Circuit affirming district court judgment in favor of chemical plant and subcontractor clients dismissing plaintiffs' toxic tort claims due to inability to sustain their burden of proof)
- *Miles v. Our Lady of the Lake Reg. Med. Center*, 2001-2272 (La. App. 1st Cir. 10/2/2002), 836 So. 2d 136 (Louisiana First Circuit affirming dismissal of plaintiffs' medical malpractice claim against Hospital of lack of proper procedural capacity)
- *Hall v. Zen-Noh Grain Corp.*, 00-1455 (La. App. 5th Cir. 12/27/2000), 778 So.2d 91, rev'd, 2001-0324 (La. 4/27/2001), 787 So. 2d 280 (Louisiana Supreme Court reversing lower court's grant of prescription exception and reinstating grain company client's claims against LIGA arising from mass tort actions by community residents)
- *Concrete Solutions v. Georgia Gulf Corp.*, 99 F.Supp.2d 731 (M.D. La. 2000) (District Court granting summary judgment to chemical company client's indemnification claims against subcontractor for toxic tort claims of sub's employees)
- *North American Specialty Ins. Co. v. Georgia Gulf Corp.*, 99 F.Supp.2d 726 (M.D. La. 2000) (District Court affirming chemical plant client's motion to dismiss subcontractor's general liability insurer declaratory judgment action for lack of actual controversy)
- *Boullion v. PPG Indus., Inc.*, 1998-25 (La. App. 3rd Cir. 3/23/1998), 709 So.2d 350 (Purported class action by fishermen who alleged pollution of waters in which they fished by industrial petrochemical company clients in Lake Charles transferred to court of proper venue)
- *Jewell v. Dudley L. Moore Ins., Inc.*, 872 F.Supp. 1517 (M.D. La. 1995) (District Court resolution of discovery issues related to diversity of jurisdiction removal by insurance company client asserting improper joinder of executives)
- *Kennedy v. St. Charles Gen. Hosp.*, 630 So.2d 888 (La. App. 4th Cir. 1993) (Louisiana Fourth Circuit affirming jury defense verdict in medical malpractice action tried in Civil District Court for the Parish of Orleans)
- *Jure v. Raviotta*, 612 So.2d 225 (La. App. 4th Cir. 1992), writ denied, 614 So.2d 1257 (La. 1993) (Louisiana Fourth Circuit affirming defense jury verdict and district court dismissal of plaintiffs' claims against client LPCF for alleged sexual misconduct and improper prescription of drugs against OB/GYN)

Memberships

- American Bar Association (Member, Sections on Environment, Energy and Resources and Tort Trial and Insurance Practice)
- Baton Rouge Bar Association
- Charles W. Lamar, Jr. YMCA (Board of Directors, 2006–2009)
- Defense Research Institute
- Hispanic National Bar Association
- Louisiana Association of Defense Counsel
- Louisiana Hispanic Lawyers Association
- Louisiana State Bar Association
 - Member, Sections on Insurance, Tort, Workers' Compensation and Admiralty Law; Environmental Law; and Minority Involvement
 - Immediate Past Chair, Section on Minority Involvement (2008–2010)
 - Chair, Minority Job Fair Planning Committee (2008–2011)
 - Member, Diversity Committee
- Special Olympics Louisiana (Board of Directors, 1997–1999)
- State Bar of Texas (Member, Sections on Litigation and Hispanic Issues)
- Tulane Alumni Association, Baton Rouge Chapter

Languages

- Spanish

Court Admissions

U.S. Supreme Court, 1995

5th Cir., 1997

E.D. La.

M.D. La.

W.D. La., 1991
